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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,597	02/11/2004	Paul Y. Kim	SF-4	4943
25917	7590	09/07/2005	EXAMINER	
LANGLOTZ PATENT WORKS, INC.			REHM, ADAM C	
PO BOX 759			ART UNIT	
GENOA, NV 89411			PAPER NUMBER	
			2875	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,597

Applicant(s)

KIM, PAUL Y.

Examiner

Adam C. Rehm

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, 9, 11-16, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by JIGAMIAN ET AL. (US 2004/0042211), which provides a flashlight (11) comprising:

- A single lamp having opposed electrodes (66) connected to a controller (164);
- Said controller being intermediately-located and operable to deliver different selected power having a plurality of connected inputs/outputs (164, Fig. 14);
- A power storage element having opposed electrodes connected to the controller (237, Fig. 2);
- Switch contacts connected directly to the controller (88, Fig. 14);
- A single, axially moveable switch/button operable to be incremented through a sequence of states and responsive to application/release of

Art Unit: 2875

pressure via connection between an input from the controller and a selected one of the outputs (88, Paragraph 82, Lines 11-28);

- Said states comprising off and at least two different brightness states (Paragraph 82, Lines 11-28); and
- A resistor network wherein operation includes use of a selected resistor (42, Paragraph 63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 10, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JIGAMIAN ET AL. (US 2004/0042211) as applied to claims 1 and 12 above, and further in view of applicant's admitted prior art. JIGAMIAN discloses the claimed invention including an axially-moveable button, but does not disclose a rotatable element having conducting contacts rotatably responsive to axial movement of the button for cycling LEDs off and on in varying phases. However, applicant admits that a single push-button switch having a rotating element that contacts a different contact in each state and thereby connected to a lamp circuit is known in the art (Paragraph 11). It would have been obvious to one of ordinary skill in the art at the time of invention to modify JIGAMIAN and use the rotatable element having conducting contacts rotatably responsive to axial movement of the button for cycling LEDs off and

Art Unit: 2875

on in varying phases as taught by applicant's admitted prior art in order to achieve the well-known advantages of an LED including energy efficiency as well as provide simplicity via single-button operation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

3. GILPIN (US 2003/0067769) provides a flashlight with a press-button for selecting light intensity.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/777,597
Art Unit: 2875

Page 5

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9/1/2005



ALAN CARIASO
PRIMARY EXAMINER